

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**LEE ESTHER HALL**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 5:07CV135DCB-JMR**

**WERNER ENTERPRISES, INC. and  
TIMOTHY T. SMITH**

**DEFENDANTS**

**ORDER APPROVING  
SETTLEMENT BY THE COURT**

This Day, this Cause came on to be heard on the Motion by Plaintiff, through her Attorneys, for the Court to Approve the Settlement agreed upon by the Plaintiff and the Defendants and the Court having heard and considered the matters and things in support of said Motion finds:

1. Lee Esther Hall sustained injuries which included a fractured clavicle, a sub-dural hematoma and extra dural hematoma, which were surgically removed at the University of Mississippi Medical Center Hospital in Jackson, Mississippi, on February 5, 2004, following the automobile-18 wheeler collision which is the subject of this action.

2. That said injuries caused a mild to moderate traumatic brain injury to the Plaintiff, Lee Esther Hall, from which she has made a substantial recovery. Lee Esther Hall suffers from no paralysis or limitations which prevent her from carrying out normal life activities on a day to day basis. That she presently suffers from no substantial physical disability. That presently Lee Esther Hall is able to provide for and care for her own needs, without assistance.

3. That the mild to moderate traumatic brain injury resulting from the sub-dural and extra dural hematomas caused some observable cognitive deficits, which deficits may have been caused by the injuries sustained in the wreck in question, and may have been caused from and are

the results of natural aging, since Lee Esther Hall was in excess of seventy years of age at the time of the wreck. Nevertheless, The Court finds that Lee Esther Hall is able to make her own decisions relating to her property and finances, has agreed to the settlement of her claim, with assistance of her attorneys, and that she understands and appreciates the significance of settlement of same. Lee Esther Hall is able to manage her own affairs, in spite of the subtle cognitive deficits, which deficits do not require her to have someone else manage her affairs, ~~for~~ her.

4. Lee Esther Hall was last seen and treated for her injuries more than two years ago by Dr. Dominic Esposito at the University of Mississippi Medical Center, Jackson, Mississippi, who testified during his deposition that Lee Esther Hall made a substantial recovery and had no further appointments, but could return as needed.

5. Based on the Court's examination of the pertinent medical records and the deposition of Dr. Dominic Esposito, the Court finds that Lee Esther Hall is competent to settle her claim, which settlement was the result of extended mediation processes and the settlement amount is both adequate and reasonable. The Settlement is approved as being in the best interests of Lee Esther Hall..

So Ordered, this the 14<sup>th</sup> Day of November, A. D., 2008

A handwritten signature in blue ink, appearing to read "David Brantette", is written over a horizontal line.

UNITED STATES DISTRICT COURT JUDGE